

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

vs.

AYMAN SHAHID

Defendant

Case No.: 14-CR-00271 YGR

**SECOND AMENDED TRIAL SETTING ORDER
AND PRETRIAL SCHEDULE**

On July 27, 2015, the Court convened a previously scheduled hearing. John Hemann appeared on behalf of the government. Steven Madison and Nicole Altman appeared on behalf of defendant Ayman Shahid who was present and out of custody.

The Indictment filed on May 15, 2014 charges eighteen counts: Counts One for conspiracy to commit bank fraud under Title 18 U.S.C. § 1349 and Counts Two through Eighteen for bank fraud under Title 18 U.S.C. § 1344. The conduct alleged in the Indictment spanned from the period on or about June 26, 2006 through the period on or about October 2008.

Having considered the record in this action, the arguments of all parties, and, for good cause shown the Court enters the following modifications to this Court's Amended Trial Schedule Order and Pretrial Schedule (Dkt. No. 29.)

A. PRETRIAL SCHEDULE

1. **Motions to Dismiss**: With respect to the pending motion to dismiss, the government shall file its opposition by August 5, 2015; and the defendant shall file any reply by

August 10, 2015. The motions to dismiss shall be heard on August 17, 2015 at 10:00 a.m.

2. **Disclosures:**

- a. The government shall disclose remaining Jencks Act material, and designate any Rule 404(b) evidence and co-conspirator statements it intends to offer at trial no later than August 7, 2015.
- b. The government shall disclose any *Henthorn* or *Giglio* information no later than August 14, 2015.

B. TRIAL SETTING AND DEADLINES

1. **Trial Date and Schedule:** The trial of this matter shall be continued approximately one week. Jury selection shall occur on Wednesday, September 2, 2015 with evidence to commence on the following Tuesday, September 8, 2015 at 8:30 a.m. in Courtroom 1 of the above-referenced Court.

Trial schedule with the jury will be generally as follows, Monday through Friday, from 8:30 a.m. to 1:30 p.m. with two fifteen minute breaks. Daily conferences shall commence at 8:00 a.m. to address any matters before the trial day begins. Additional time may be scheduled for matters outside the presence of the jury as necessary and determined by the Court. Side bars are not permitted. Counsel should be prepared to anticipate issues so that they may be addressed outside of normal trial hours.

2. **Pre-Trial Conference:**

- a. A pre-trial conference shall be held on Friday, August 28, 2015 at 9:30 a.m.

b. The parties shall comply with Local Rule 17.1-1(b) and the Court's Standing Order in Criminal Cases and shall timely file the pretrial conference statement addressing all fifteen (**15**) issues identified therein and all related filings by August 14, 2015 unless otherwise specified in this order.

3. **Motions in Limine:** A motion *in limine* refers "to any motion, whether made before or during trial, to exclude anticipated prejudicial evidence before the evidence is actually offered." *Luce v. United States*, 469 U.S. 38, 40, n. 2 (1984).

a. All motions in limine and motions to sever shall be filed no later than August 7, 2015. All oppositions thereto shall be filed no later than August 12, 2015. The parties shall then meet and confer to resolve the motions. The parties shall include a section in their Pretrial Statement advising the Court which, if any, motions remain outstanding.

b. The proponent of the motion shall also submit a COMPREHENSIVE proposed form of order summarizing each motion and the requested relief.

4. **Witness Exclusion:** Court hereby orders that witnesses shall be excluded until testimony is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply with a ruling by the Court may result in sanctions, including without limitation the striking of the witness's entire testimony.

5. **Expert Reports, Witness Lists, Exhibit Lists:** The parties shall exchange expert reports and shall file witness lists and exhibit lists by August 21, 2015.

6. **Exhibits and Exhibit Lists:** No witness may be shown any document or other object until it has been marked for identification using an exhibit number. The jury may not

be shown any exhibits until admitted into evidence or stipulated by the parties as to admissibility without the express permission of the Court.

To the extent agreed upon, the parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an “S” in the appropriate box.

When printing and providing these documents to the Court, please use the “portrait” orientation only. (Do not use “landscape” orientation.) A sample format is provided below:

Ex. No.	Description	Sponsoring Witness	Stipulation to Admit	Objection	Date Admitted

Given the nature of the evidence in this case, the Court will review its requirements for a courtesy copy of the evidence at the pretrial conference.

Parties are advised to review their exhibits critically and determine whether sub-designations are appropriate for both the record and rulings on any potential objections. For instance, if an exhibit consists of a series of loan documents in a file, rather than designate the exhibit collectively as Exhibit 1, each page should have a designation and subdesignation, *i.e.* Exhibit A-1, A-2, A-100.


Further, to the extent that the evidence are voluminous records, the Court may not need a copy set of the entire exhibit and will consider proposals for reducing the amount of paper necessary to be included, including use of digital forms of media

1 and/or summaries. The parties are instructed to review the Court's webpage related to
2 the display of electronic evidence during deliberations
3 (<http://cand.uscourts.gov/jurypc>) and courtroom technology
4 (<http://cand.uscourts.gov/courtroomtech>).
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- 6 7. **Failure to Comply:** Failure to comply with the obligations set forth in this order will
7 result in sanctions appropriate to the gravity of the failure.
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9 **IT IS SO ORDERED.**

10 Date: July 29, 2015

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12 HON. YVONNE GONZALEZ ROGERS
13 UNITED STATES DISTRICT JUDGE
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